

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

iRACING.COM MOTORSPORT SIMULATIONS LLC, )  
a Delaware Limited Liability Company, Plaintiff )

V. )

TIM ROBINSON, individually and d/b/a )  
www.ow-racing.com and www.torn8oalley.com, )  
Defendant )

Civil Action No.  
05-11639 NG

DEFENDANT TIM ROBINSON'S RESPONSE TO  
ORDER COMPELLING DISCOVERY

I, TIM ROBINSON, upon oath depose and say as follows:

1. I have looked through every file, every folder, in every directory on my PC at home for files that would satisfy the criteria set forth in the Court Order. I have found nothing that has not already been provided previously to counsel for the plaintiff.

2. I did text searches using each of the following search terms and any derivatives thereof (e.g., "ow\*.\*"):

OWSC	owsc	owr05	owr2k5	nr2003
tools	editing	sprint cars	open wheel	FIRST
iRacing	physics			

Additionally, the criteria included files either created, accessed, or modified any time from July 10, 2005 (the icon date) to Saturday, June 10, 2006, the date I conducted the searches.

3. I also conducted a search for the posted image of my desktop. However, that image is no longer on my computer, so I cannot point to the exact day that it was created. As for the

icons appearing in the posted image, it is a safe bet, that although an icon may show on my desktop as depicted in the picture, no files relevant to NR2003 were available on July 10, 2005, the date the desktop picture was posted to the USPits.com web site..

4. I also went through every shred of paper that I can find in my office related to simracing. Nothing, I repeat nothing, is of relevance to NASCAR 2003.

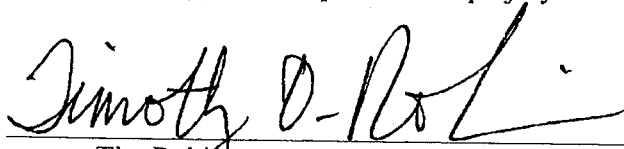
5. I worked with a hex editor. I never had a decompiled copy of the NASCAR2003 code. All that I ever had by way of "papers" were some hand notes and printouts of some isolated lines of hex editing. The hand notes were made on plain printer paper. I did not keep any notebooks. It was/is not my practice to keep each draft or each version of what I do. Generally speaking I keep only the previous version of what I worked from to get top the next version that I work on. I did not print out hard copies of hex editing, except occasionally a few lines when I was doing a trial and error. I made some scratch hand notes as I went along.

6. I did not receive any memos from anybody to assist me. I did make scratch hand notes concerning values that I tried to change. However, as I repeatedly have said under oath, I discarded all of my scratch notes before this case began. I cannot point to precise dates when any particular piece of paper was discarded. All I can say with certainty is that at some point between April and July of 2005, I did a thorough cleaning of my office and got rid of any notes, papers, files or whatever that I had concerning my work on NR2003. My best recollection is that all of this cleaning and discarding occurred during the May-June 2005 time frame. I did it at a time when it was my belief that FIRST/iRacing were not going to change any of their thinking. Thus, I considered that anything and everything that I had at that point was not relevant, and I was no longer interested in modding NR2003. I already had moved on to a newer game called rFactor.

7. Thus, in response to paragraphs 1, 2, and 3 of the Court Order, I reaffirm that I have nothing further to provide. Nothing exists that has not already been provided.

8. In response to paragraph 4 of the Court Order. I reaffirm that any and all notes, documents, scratch paper were destroyed as described, I simply cannot give an exact date for any particular note.

The foregoing Affidavit is made and given under the pains and penalties of perjury this twelfth day of June 2006.

  
Tim Robinson